

Factors Surrounding Impeachment

1867 Democratic victories in the North

Southern resurgence--politically and thru the use of force and violence--Klan actions

S. Court was preparing to review the McCordle Case(1878)

Johnson's removal of Stanton thru the "violation" of the Tenure of Office Act; removal of all sympathetic generals; use of patronage

What was at stake?

Impeachment--A Republican defeat or victory?

Hans Trefussse. . . .

Benedict--a victory. Johnson acquiesces. Grant was elected in 1868--a national referendum demonstrating support for the war and Reconstruction, and impeachment?

But the victory was short-lived. Grant did not bring harmony and peace to the nation. . . .

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K: R. Berger

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The parts of the Tenure of Office Act

1. Did it cover Stanton? Commonsense seems to argue that it did not
2. Was the Tenure of Office Act Constitutional?

Was it in violation of the 1789 Act that provided the President with removal powers. (Adams removed Pickering, etc)

3. If the Act was Unconstitutional could Johnson refuse to acknowledge it after he vetoed it and his veto was overridden?

Was his veto the last step? Should have submitted this legal question to the Courts. . . .

If he could get away with this what would have stopped him from ~~seeing~~ failing to enforce the Civil Rights Act or the 14th Amendment, etc. . . .

If the President fails to execute the laws of the land cannot he not be impeached.

But was the President obligated to execute a law when it encroached on his presidential prerogatives.

A law that is manifestly unconstitutional is no law at all. But who is to decide. The Courts. . .

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Re: Trial and Verdict

Benedict's points about the Impeachment:

The trial and impeachment was not an attempt by a violent majority to remove an innocent president for partisan purposes but one of the great legal cases of history, in which American politicians demonstrated the strength of the nation's democratic institutions by attempting to do what no one could justifiably expect them to do--to give a political officer a full and fair trial in a time of political crisis.

To the defense: Who charged that Johnson intended no violation of the Reconstruction laws. How could the managers prove all that had happened over the three year period. That Johnson was using his office to override the actions of Congress and defeat their program . . . That Congress and the President were in a death struggle. That the Tenure of Office Act and its violation was not really the crux of the matter. It was the whole drift of thrust of Presidential actions since 1865.